

DECLARATORY

XXXXXXXXXXXX
Improvement Res. No. 1118-1963

For the Vacation of the utility easement
over the east seven (7) feet of Lot No. 135
and the west seven (7) feet of Lot No. 136,
both in Lake Shores, Section II, from the
south property line of Aylesford Drive to a
point 113 feet south thereof.

Resolution Adopted: Dec. 26, 1963

Confirmed: Dec. 26, 1963

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Dec. 27, 1963

8111

DECLARATORY RESOLUTION NO. 1118-1963

For the Vacation of the utility easement over the east seven (7) feet of Lot No. 135 and the west seven (7) feet of Lot No. 136, both in Lake Shores, Section II, from the south property line of Aylesford Drive to a point 113 feet south thereof.

PLANS ORDERED:

ADOPTED: Dec. 26, 1963

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVER SIGNED

HEARING ON CONFIRMATION:

CONFIRMED: Dec. 26, 1963

ASSESSMENT ROLL ORDERED: Dec. 26, 1963

ASSESSMENT ROLL APPROVED: Dec. 27, 1963

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: WAIVED

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED: Dec. 27, 1963

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the utility easement over the east seven (7) feet of Lot No. 135 and the west seven (7) feet of Lot No. 136, both in Lake Shores, Section II, from the south property line of Aylesford Drive to a point 113 feet south thereof.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the utility easement over the east seven (7) feet of Lot No. 135 and the west seven (7) feet of Lot No. 136, both in Lake Shores, Section II, from the south property line of Aylesford Drive to a point 113 feet south thereof.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~, as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 125 and 136, Lake Shores, Section II. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the southwest quarter of Section Twenty-six, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

26th

DAY OF

December

19 *63*

Attest:

Secretary Board of Public Works.

[Signature]
Board of Public Works.



14 FOOT UTILITY EASEMENT TO BE VACATED



P E T I T I O N

Fort Wayne, Ind.,

Dec 23, 1963

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

estate on

Aylesford Drive

The undersigned, owners of real

, from

to

respectfully petition for the passage of a resolution providing for the vacation of the utility easement over the east seven (7) feet of Lot No. 135 and the west seven (7) feet of Lot No. 136, both in Lake Shores, Section II, from the south property line of Aylesford Drive to a point 113 feet south thereof.

246

NAME

ADDRESS

PETITIONER

Edward J. ...

1009 Aylesford Dr

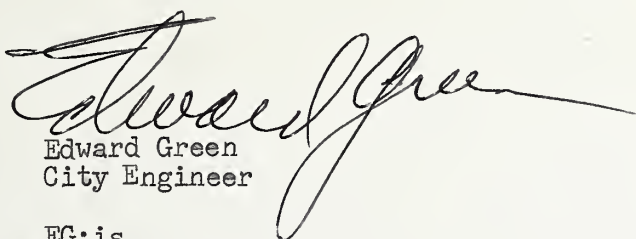
ENGINEERING
DEPT. OF STREETS

DATE December 26, 1963

TO: Board of Public Works

SUBJECT: _____

In accordance with our conversation attached is the Assessment
Roll of Benefits and Damages for Declaratory Resolution No.
1118-1963.


Edward Green
City Engineer

EG:is
attachs.

BOARD OF PUBLIC WORKS

RECEIVED
DEC 26 1963
RECEIVED

City of Fort Wayne



ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

NOTED

☐ P.F.R.

☐ C.L.S.

FORT WAYNE, INDIANA

December 23, 1963

BOARD OF PUBLIC WORKS

Attached is a petition which I have signed for the vacation of the utility easement over the east seven feet of Lot No. 135 and the west seven feet of Lot No. 136, which my wife and I own, both in Lake Shores, Section II, from the south property line of Aylesford Drive to a point 113 feet south thereof. All of the utilities have been installed in this subdivision, and there is no need for retaining this easement.

Also attached are post cards which were returned by Indiana and Michigan Electric Company, General Telephone Company of Indiana and Northern Indiana Public Service Company. The original proposal was for the vacation of the entire easement of 138 feet, but Indiana and Michigan and General Telephone both requested a guy line easement, which has been provided for in the attached petition.

A waiver of notice and hearing on the proposed resolution, signed on behalf of Woodhurst Center, Inc. and both Mrs. Green and myself, is attached.

If you have no objection, please process the resolution.

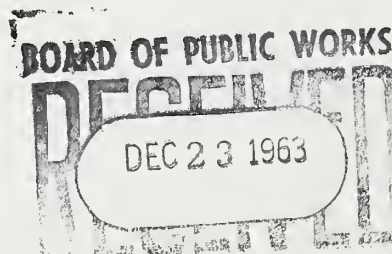
A large, stylized handwritten signature in cursive script, reading "Edward Green".

Edward Green
City Engineer

EG:ld

attachs.

cc: Mayor Burns



WAIVER

1118

We, the undersigned, being the only property owners which may be injuriously or beneficially affected by the proposed vacation of a utility easement described as follows, to wit:

Over the east seven (7) feet of Lot No. 135 and the west seven (7) feet of Lot No. 136, both in Lake Shores, Section II, from the south property line of Aylesford Drive to a point 113 feet south thereof,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No.

do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 23 day of Dec, 19 63

WOODHURST CENTER, INC.

BY:

John R. Worthman
Pres.

Edward Green
EDWARD GREEN

Mabel A. Green
MABEL A. GREEN

Lot No. 135
Lake Shores Addition
Section II

Lot No. 136
Lake Shores Addition
Section II



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DECLARATORY
~~Improvement~~ Resolution No. **1118**-1963 For THE VACATION OF THE UTILITY EASEMENT OVER THE EAST SEVEN (7) FEET OF LOT NO. 135 AND THE WEST SEVEN (7) FEET OF LOT NO. 136, BOTH IN LAKE SHORES, SECTION II, FROM THE SOUTH PROPERTY LINE OF AYLESFORD DRIVE TO A POINT 113 FEET SOUTH THEREOF.

| | OWNER'S NAME | ADDRESS | R. P. O. | NUMBER OF | | | DESCRIPTION |
|----|--|---------------------|----------|-----------|-------|-------|------------------------------|
| | | | | LOT | BLOCK | O. L. | |
| 1 | WOODHURST CENTER, INC. GREEN, EDWARD & MABEL A. | To John E. Worthman | | 135 | | | LAKE SHORES, SECTION II " |
| 2 | | 1009 Aylesford Dr. | | 136 | | | |
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